

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

November 17, 2003

CALL TO PODIUM:

Mark Depoe

Long Range Planning Director

RESPONSIBLE STAFF:

Mark Depoe

Long Range Planning Director

Fred Felton

Assistant City Manager

AGENDA ITEM:

(please check one)

<input type="checkbox"/>	Presentation
<input type="checkbox"/>	Proclamation/Certificate
<input type="checkbox"/>	Appointment
<input type="checkbox"/>	Public Hearing
<input type="checkbox"/>	Historic District
<input type="checkbox"/>	Consent Item
<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	Resolution
<input type="checkbox"/>	Policy Discussion
<input type="checkbox"/>	Work Session Discussion Item
<input type="checkbox"/>	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	10/29/2003
	11/5/2003
Hearing Date	11/17/2003
Record Held Open	
Policy Discussion	

TITLE:

T-362 -- The application requests amendment of Chapter 24 of the City Code (City Zoning Ordinance), Article III, entitled, "Regulations Applicable to Particular Zones," Division 22, entitled, "CD Zone, Corridor Development," §24-160G.4. entitled, "Development Standards," so as to establish additional building design requirements applicable to improvements in the CD Zone.

SUPPORTING BACKGROUND:

During recent discussions, the Mayor and members of the Council had expressed concern about potential impacts of development in the CD Zone on residentially zoned single-family neighborhoods

Attached are the exhibits for the proposed text amendment which modifies development standards of CD zoned property which adjoins residential properties. Essentially, the proposed text amendment would prohibit customer entrances to retail or restaurant uses from abutting or being visible to single-family homes.

Attached: Index of Exhibits and Exhibits

DESIRED OUTCOME:

Planning Commission hold the record open 11 Days (Nov. 28, 2003)

Mayor and City Council hold record open for 21 days (Dec. 8, 2003)

INDEX OF MEMORANDA

T-362

1. Application
2. Proposed Ordinance
3. Letter requesting advertisement of the 11-17-03 Joint Public Hearing in the 10-29-03 and 11-05-03 issues of the *Gaithersburg Gazette*.
Attached: Facsimile Transmittal Confirmation
4. Notice of 11-17-03 Joint Public Hearing as sent on 10-31-03
5. List of people/agencies notified of the hearing

TEXT AMENDMENT TO THE ZONING ORDINANCE

In accordance with Article VIII,
Section 24-194, 195, 197, and 198 of the City Code

Application Number	<u>T-362</u>
Filing Date	<u>10-28-03</u>
P.C. Hearing	_____
M&C Hearing	<u>JT 11-17-03</u>
Decision	_____
Decision Date	_____

Application is hereby made to the

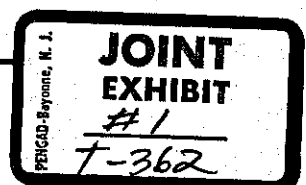
- ☐ City Planning Commission, or
☒ Mayor and City Council

for a change in the text of the Zoning Ordinance of the City of Gaithersburg, Maryland.

This change involves Article III, Section § 24-160G.4
to be amended per the attached ordinance.

Applicant/Staff Person Jennifer Russel Date 10-28-03

Address 31 South Summit Avenue, Gaithersburg MD 20877



ORDINANCE No. _____

AN ORDINANCE TO AMEND CHAPTER 24 OF THE CITY CODE
(CITY ZONING ORDINANCE), ARTICLE III, ENTITLED,
"REGULATIONS APPLICABLE TO PARTICULAR ZONES,"
DIVISION 22, ENTITLED, "CD ZONE, CORRIDOR DEVELOPMENT,"
§24-160G.4., ENTITLED "DEVELOPMENT STANDARDS,"
SO AS TO ESTABLISH ADDITIONAL BUILDING DESIGN
REQUIREMENTS APPLICABLE TO IMPROVEMENTS
IN THE CD ZONE.

Text Amendment T-362

BE IT ORDAINED, by the Mayor and Council of the City of Gaithersburg in
public meeting assembled, that Chapter 24, §24-160G.4., subsections (d) and (e) of
Article III of the City Code be and they are hereby amended to read as follows:

ARTICLE I. REGULATIONS APPLICABLE TO PARTICULAR ZONES

* * * * *

Sec. 24-160G.4. Development Standards.

* * * * *

(d) Building design.

(1) * * * * *

(2) Except as provided hereinafter [A] any side of a building that faces
either a public street or private access drive shall have a building
entrance and the appearance of a building front to the extent
possible: No customer entrance to a retail or restaurant use shall
face or be visible to abutting property in a single family residential
zone. The City Council in the approval of a schematic
development plan or the city planning commission at the time of
site development plan approval, may require more than one side
of a building to be finished with architectural elements found on
the building front due to the high visibility of the building on
multiple sides.

(3) * * * * *

The amendments contained in the ordinance shall not apply to any building,
property or use for which a final use and occupancy certificate was issued before the
effective date of this ordinance.



ADOPTED this ____ day of _____, 2003, by the City Council of Gaithersburg, Maryland.

DELIVERED to the Mayor of the City of Gaithersburg, Maryland, this ____ day of _____, 2003. APPROVED/DISAPPROVED by the Mayor of the City of Gaithersburg, this ____ day of _____, 2003.

SIDNEY A. KATZ, Mayor

THIS IS TO CERTIFY that the foregoing Ordinance was adopted by the City Council of Gaithersburg, in public meeting assembled, on the ____ day of _____, 2003, and the same was approved by the Mayor of the City of Gaithersburg on the ____ day of _____, 2003. This Ordinance will become effective on the ____ day of _____, 2003.

DAVID B. HUMPTON, City Manager

S\PLANCODE\TEXT AMENDMENTS\T-362 ADDL IMPVT REQS\DRAFT I



Gaithersburg
A CHARACTER COUNTS! CITY

October 28, 2003

Karey Major, Law Section
The Gaithersburg Gazette
P.O. Caller 6006
Gaithersburg, Maryland 20884

Dear Karey:

Please publish the following legal advertisement in the **October 29 and November 5, 2003**, issues of the *Gaithersburg Gazette*.

Sincerely,

Jennifer Russel, Director
Planning and Code Administration

ASSIGN CODE: T-362 Acct# 133649

NOTICE OF PUBLIC HEARING

The Mayor and Council and Planning Commission of the City of Gaithersburg will conduct a joint public hearing on T-362, filed by Jennifer Russel for the Mayor and City Council, on

**MONDAY
NOVEMBER 17, 2003
AT 7:30 P.M.**

or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland.

The application requests amendment of Chapter 24 of the City Code (City Zoning Ordinance), Article III, entitled, "Regulations Applicable to Particular Zones," Division 22, entitled, "CD Zone, Corridor Development," §24-160G.4. entitled, "Development Standards," so as to establish additional building design requirements applicable to improvements in the CD Zone.

Further information may be obtained from the Planning and Code Administration Department at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday.

Jennifer Russel, Director
Planning and Code Administration
mg

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2098
301-258-6300 • FAX 301-948-6149 • TTY 301-258-6430 • cityhall@ci.gaithersburg.md.us • www.ci.gaithersburg.md.us

MAYOR
Sidney A. Katz

COUNCIL MEMBERS
Stanley J. Alster
Geraldine E. Edens
Henry F. Marraffa, Jr.
John B. Schlichting
Ann T. Somerset

CITY MANAGER
David B. Humpton

PELICAN-BAYONE, N. J.

**JOINT
EXHIBIT**

#3

T-362



CITY OF GAITHERSBURG
31 South Summit Avenue
Gaithersburg, Maryland 20877
Telephone: 301-258-6330

NOTICE OF JOINT PUBLIC HEARING

The City of Gaithersburg Mayor and Council and Planning Commission will conduct a public hearing at the time and place noted below.

Meeting: MAYOR AND CITY COUNCIL
Application Type: TEXT AMENDMENT
File Number: T-362
Applicant: JENNIFER RUSSEL FOR MAYOR & CITY COUNCIL
Day/Date/Time: MONDAY, NOVEMBER 17, 2003, AT 7:30 P.M.
Place: COUNCIL CHAMBERS, GAITHERSBURG CITY HALL
31 SOUTH SUMMIT AVENUE

IMPORTANT

This is a proposal to amend Chapter 24 of the City Code (City Zoning Ordinance), Article III, entitled, "Regulations Applicable to Particular Zones," Division 22, entitled, "CD Zone, Corridor Development," §24-160G.4. entitled, "Development Standards," so as to establish additional building design requirements applicable to improvements in the CD Zone. (A copy of the draft ordinance can be viewed at www.ci.gaithersburg.md.us/notices.) This is the first public hearing in a series of public opportunities to participate. Contact the Planning and Code Administration City Planner (listed below) at (301) 258-6330 if you should have any questions and/or to learn more about this process and your ability to offer testimony and input.

Joint Mayor and City Council & Planning Commission meetings can be viewed live on Gaithersburg Cable Television Channel 13, and at anytime (on demand) two weeks after the public hearing via the Internet and Web TV at <http://www.ci.gaithersburg.md.us>.

CITY OF GAITHERSBURG

By: Jennifer Russel
JENNIFER RUSSEL, Director
Planning and Code Administration



NOTICES SENT THIS 31ST DAY OF OCTOBER, 2003, TO:

APPLICANT AND INTERESTED PARTIES

(A list of interested parties and agencies is available in the file in the Planning and Code Administration.)

MAYOR AND COUNCIL

PLANNING COMMISSION

CITY STAFF

David B. Humpton, City Manager
Frederick J. Felton, Assistant City Manager
Tony Tomasello, Assistant City Manager
Stanley D. Abrams, City Attorney
Mary Beth Smith, Public Information Director
Doris Stokes, Administrative Assistant
Jeff Baldwin, City Web Administrator (via email)